

IN THE SENATE OF THE UNITED STATES.

JANUARY 23, 1861.—Ordered to be printed.

Mr. SIMMONS made the following

REPORT.

[To accompany bill S. 548.]

*The Committee on Claims, to whom was referred the claim of Joseph Clymer, have had the same under consideration, and now beg leave to report:*

This case was favorably reported on by the House Committee on Military Affairs, being report No. 110, Thirty-third Congress, second session, by a joint resolution authorizing the accounting officer of the Treasury "to settle the claim upon the principle of equity and justice." The Court of Claims was created at that same session, and before the final passage of the said joint resolution, the case went to that court on petition of the claimant. The court held that "upon the law of the case, the advertisement did not constitute a part of the contract entered into between the claimant and the United States, and consequently that the relief asked by the petitioner could not be reported in favor of by the court; yet the court present the fact of the case as constituting an appeal to the equity and sense of justice of Congress."

The court says, in conclusion: "Without expressing an opinion upon the proper sum, if any, which the claimant ought to receive, we submit the matter to the consideration of Congress." On June 4, 1858, the Senate Committee on Claims made a favorable report on this case, accompanied by a bill, No. 438, being report No. 305, Thirty-fifth Congress, first session.

From a careful examination of the testimony in this case, the committee are unanimous in the opinion that said claimant should be paid the sum of fourteen thousand dollars to reimburse him for his outlay, and have instructed me to report a bill accordingly.

